

**REMARKS**

This is intended as a full and complete response to the Office Action dated September 30, 2008. Please reconsider the claims pending in the application for reasons discussed below. Claims 9-13, 15-21, 23-29 and 31-32 are pending in the application. Claims 10, 18, and 26 have been cancelled. Claims 9, 11-13, 15-17, 19-21, 23-24, 25, 27-29 and 31-32 remain pending following entry of this response. Applicants submit that the amendments do not introduce new matter.

Further, Applicants are not conceding in this application that amended (or canceled) claims are unpatentable over the art of record, as the present claim amendments and cancellations are only for facilitating expeditious prosecution of the claimed subject matter. Applicants respectfully reserve the right to pursue these (pre-amended or canceled claims) and other claims in one or more continuations and/or divisional patent applications.

Allowable Subject Matter

Claims 10, 18 and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Limitations of claims 10, 18, and 26 have been incorporated into independent claims 9, 17, and 25, respectively. Thus, these claims are equivalent in scope to claims 10, 18, and 26 rewritten in independent form. Accordingly, Applicants submit these claims are allowable.

Claim Rejections - 35 U.S.C. § 102

Claims 9, 11-13, 15-17, 19-21, 23-25, 27-29 and 31-32 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by *Paulraj et al.* (U.S. Patent No. 6,351,499, hereinafter, "*Paulraj*"). Claims 9, 15-17, 23-25 and 31-21 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Ling et al.* (U.S. Patent No. 6,961,388, hereinafter, "*Ling*"). Applicants respectfully traverse these rejections as follows.

As noted above, claims 9, 17, and 25 have been amended to include limitations of claims indicated to be allowable. Thus, Applicants submit these claims, as well as their dependents are

allowable and respectfully request withdrawal of this rejection with respect to these claims.

Regarding the remaining claims, Applicants respectfully traverse the rejection as follows.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In the present case, none of the cited references *Paulraj* nor *Ling* teach each and every element of claims 11, 12, 19, 20, 27, and 28.

For example, with respect to claims, 11, 19, and 27, Applicants respectfully submit that neither of the references teach providing SNR information based upon an average of SNR information over a plurality of subcarriers of an Orthogonal Frequency Division Multiplexed (OFDM) signal received at the receiver. With respect to claims, 12, 20, and 28, Applicants respectfully submit that neither of the references teach providing SNR information based upon an average of SNR information over all of the different spatial channels.

The only mention of averaging in *Paulraj* refers to averaging SNR measurements over time (see, for example, col. 9, lines 61-63), not over a plurality of subcarriers OR over all of the different spatial channels. *Ling* is also silent as to providing SNR information based upon an average of SNR information over a plurality of subcarriers of an Orthogonal Frequency Division Multiplexed (OFDM) signal received at the receiver OR based upon an average of SNR information over all of the different spatial channels.

For these reasons, Applicants respectfully submit that claims 11, 12, 19, 20, 27, and 28, as well as their dependents, are also allowable and respectfully request withdrawal of this rejection with respect to these claims.

### **Conclusion**

Therefore, for at least the reasons presented above with respect to all of the pending

claims subsequent to entry of this response, Applicants assert that all claims are patentably distinct from all of the art of record. All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

**Charge Statement:** For this application, the Commissioner is hereby authorized to charge any required fees or credit any overpayment to Deposit Account 17-0026.

Respectfully submitted,  
QUALCOMM Incorporated  
Customer Number: **23696**

Date: December 22, 2008

By: /Ross L. Franks/  
Ross L. Franks, Reg. No. 47,233  
Tel. No.: (858) 845-1946

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502